

## Passaic River Superfund Site Community Advisory Group

### Draft Charter

Draft 4, November 23, 2009

#### I. Mission

The Passaic River CAG shall provide advice and recommendations to the US Environmental Protection Agency and related agencies to help ensure a more effective and timely cleanup and restoration of the Passaic River.

#### II. Membership

The CAG membership shall consist of stakeholders who represent a broad range of interests and locales potentially affected by the contamination and cleanup of the Passaic River Superfund site.

- **Individual service.** Members serve as individuals and not as formal representatives of any group or organization. No organization is provided a formal "seat" on the CAG.
- **Co-Chairs.** Two co-chairs shall be identified to serve as spokespersons for the CAG, and coordinate with facilitators and support personnel to establish agendas and ensure the effective operations of the CAG. The co-chairs shall be selected by the CAG membership based on their abilities to provide effective management, objective leadership, and devote the additional time necessary to carry out these duties.
- **Addition of members.** Membership shall be periodically reviewed to ensure that all necessary interests are represented. Upon resignation of any member or identification of additional needs, the CAG shall seek an individual that best represents the key interests being sought. A nominating committee of the CAG shall be appointed to identify potential new members for presentation to and agreement of the full CAG.
- **Liaison Agencies.** In addition to regular CAG members, key agencies involved in the cleanup and restoration process will participate in the discussions and operations of the CAG and shall identify one or more representatives to participate in CAG meetings. Liaisons will be included from the US EPA, NJ DEP, USACE, USFWS, NOAA, and relevant responsible parties. Additional liaison agencies will be identified as needed.

#### III. Member Expectations

All CAG members are expected to commit to approximately 8 hours per month in support of CAG activities. Specific commitments include:

1. Attend and fully participate in monthly meetings of the CAG.
2. Notify CAG leadership in advance of any absences, miss no more than two meetings in any year, and catch up on any missed items prior to the next meeting.
3. Arrive at all meetings prepared, having read through any background materials

and the summary of previous meetings.

4. Serve on at least one subcommittee, and attend any special meetings or tours as scheduled.
5. Communicate regularly with neighbors and other stakeholders to keep them informed about CAG activities, invite them to CAG meetings and events, and to ensure that their issues and concerns are voiced at CAG meetings.

#### IV. Operations

The CAG will seek to create an open, transparent, and consensus-oriented process.

- **Workplan.** The CAG will develop an annual workplan that outlines goals and objectives for the year and key activities for meetings and broader public input.
- **Monthly meetings.** The CAG shall meet monthly at a regular date and time to be identified by the membership.
- **Subcommittees.** Standing and special subcommittees shall be established as needed to conduct more in-depth study of specific issues. All conclusions and recommendations of subcommittees shall be brought to the full CAG for agreement. No subcommittee may act on behalf of the CAG without the agreement and express direction of the CAG. Subcommittees must be chaired by full CAG members, but may include additional members that are not members of the full CAG.
- **Consensus process.** The CAG will operate by consensus, fully vetting all ideas and viewpoints and seeking solutions that meet the largest set of needs while articulating and respecting minority opinions.
- **Technical, administrative, and facilitation support.** The CAG shall work cooperatively with EPA to identify resources to engage support services as needed.
- **Broad public input.** CAG members will work to ensure there is broad public input to and understanding of CAG issues and discussion. In addition to the efforts of individual CAG members, public workshops or events may be hosted at specific points in the process. If an important interest is not represented on the CAG and no representative voice from that community can be found, then the CAG will make every effort to reach out to that community and gather input to use in its deliberations.
- **Open meetings.** All CAG meetings will be open to the public and all information openly shared. Meetings will be held at public venues located in the community.
- **Meeting summaries.** The discussions and conclusions from all CAG meetings will be summarized in a public document and posted on line.
- **Recommendations.** CAG advice and recommendations will be documented in a formal transmittal to EPA including background and rationale. Any minority opinions will be identified in the same transmittal. A formal response to all CAG recommendations will be requested. All CAG recommendations and EPA responses will be made public.
- **Duration.** The CAG will continue to operate as long as in-depth community involvement is important to the cleanup operations at the Passaic River

Superfund site. The CAG will be dissolved upon agreement of membership.

- **Annual review.** The CAG shall conduct an annual review of its operations to identify strengths and challenges to its operations, sufficiency of membership, continuing relevance and purpose, and goals and workplan for the coming year. The first such review will occur in January 2011.
- **Term Limits.** At the January 2011 annual review, members shall take up the topic of term limits based on the expected lifespan of the CAG. Staggered renewable terms of two to three years will be considered.

## V. Groundrules

In conducting the work of the CAG, members will:

- work cooperatively with each other, supporting agencies, and other stakeholders,
- be respectful of all participants,
- approach all issues and viewpoints with an open mind,
- work to ensure that their concerns and issues are articulated in a way that all stakeholders can understand,
- seek common ground where it is possible.

### ***CAG Scope of Authority, from EPA CAG Guidance, 9/95***

A CAG should serve as a public forum for representatives of diverse community interests to present and discuss their needs and concerns related to the Superfund decision-making process with appropriate Federal and State/Tribal/ local governments. The CAG is designed as a mechanism for all affected and interested parties in a community to have a voice and actively participate in the Superfund process. However, it is important to remember that the CAG is not the only mechanism for community involvement at a site; as the lead Agency, EPA continues to have the obligation to inform and involve the entire community through regular as well as innovative community involvement activities.

EPA cannot, by law, abrogate its responsibility to make the final decisions at a site; however, by providing the perspective of the local community, the CAG can assist EPA in making better decisions. A CAG that is broadly representative of the affected community offers EPA a unique opportunity to hear—and seriously consider —community preferences for site cleanup and remediation. It is particularly important that in instances where an EPA decision and/or response differs from a stated CAG preference regarding site cleanup, EPA accepts the responsibility of explaining its decision and/ or response to CAG members.

A CAG allows the Agency to exchange information with members of the affected community and encourages CAG members to discuss site issues and activities among themselves. The CAG also can provide a public service to the rest of the affected community by representing the community in discussions regarding the site and by relaying information from these discussions back to the rest of the community. CAGs thus can be a valuable tool for both the Agency and communities throughout the cleanup process.